

IN THE
UNITED STATES COURT OF APPEAL
FOR THE NINTH CIRCUIT

MARK HAYNIE; et al.,
Plaintiffs - Appellants,

vs.

KAMALA HARRIS; et al.,
Defendants - Appellees.

APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNOPPOSED MOTION TO FILE
OVERSIZED LETTER BRIEF

*Donald E. J. Kilmer, Jr.
CA State Bar No.: 179986
1645 Willow Street, Suite 150
San Jose, California 95125
Voice: 408/264-8489
Fax: 408/264-8487
Don@DKLawOffice.com

**Counsel of Record for Plaintiff - Appellants*

UNOPPOSED MOTION TO FILE OVERSIZED BRIEF

On July 7, 2016 this Court ordered the parties to file supplemental letter briefs, not to exceed 5 pages. (DktEntry 45)

Appellants (and Appellees) filed their letter brief(s) timely on July 14, 2016. Apparently both parties received separate Notices of Deficient Filings. Appellants' deficiencies were: (1) font size, (2) line spacing, and (3) wrong filing type. [ID: ##211611##]

After correcting the deficiencies, Appellants page count was more than 5 permitted and therefore it was necessary to invoke the word count rule, which limits "5 page" letter briefs to 1400 words. Unfortunately, Appellants' original letter brief is 1500 words.

I have corresponded with counsel of record for Appellees (P. Patty Li, Deputy Attorney General) and she has no objection to the extra 100 words and she does not oppose this motion.

Appellants hereby move this Court for an order to permit them to file their original 1500 word letter brief with the formatting corrections required by the Deficiency Notice.

Date: July 15, 2016

/s/ Donald Kilmer
Attorney for Appellants

CERTIFICATE OF SERVICE

On July 15, 2016, I served this UNOPPOSED MOTION TO FILE OVERSIZED LETTER BRIEF by electronically filing it with the Court's ECF/CM system, which generated a Notice of Filing and effects service upon counsel for all parties in the case.

I declare under penalty of perjury that the foregoing is true and correct on this July 15, 2016.

/s/ Donald Kilmer
Attorney of Record for Appellants